

AMENDED IN ASSEMBLY JUNE 6, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1784

Introduced by Assembly Member Monning

February 21, 2012

An act to add Section 4810 to the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1784, as amended, Monning. Mountain lions.

Proposition 117, an initiative measure approved by the electors at the June 5, 1990, *direct* primary election, enacted the California Wildlife Protection Act of 1990. The act establishes that the mountain lion is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof. The act establishes certain exemptions from that prohibition. The act prohibits the Legislature from changing the act, with specified exceptions, except by a $\frac{4}{5}$ vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.

This bill would authorize the Department of Fish and Game to authorize qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to conduct ~~mountain lion~~ *scientific research projects designed to meet specific goals and governed by a memorandum of understanding involving mountain lions that meets specified requirements, pursuant to a scientific collector's permit, as defined.* The bill would find and declare that the amendments made by the bill are consistent with, and further the purposes of, the act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{4}{5}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4810 is added to the Fish and Game Code,
2 to read:

3 4810. (a) ~~The~~ *As used in this section:*

4 (1) *“Authorized research project” means a research project*
5 *involving mountain lions subject to a scientific collector’s permit*
6 *issued in accordance with this section.*

7 (2) *“Permitholder” means a person to whom the department*
8 *has issued a scientific collector’s permit in accordance with this*
9 *section.*

10 (3) *“Scientific collector’s permit” or “permit” means a permit*
11 *issued pursuant to Section 1002 for a research project involving*
12 *mountain lions in accordance with this section.*

13 (b) ~~The department may authorize qualified individuals,~~
14 ~~educational institutions, governmental agencies, or~~
15 ~~nongovernmental organizations to conduct scientific research of~~
16 ~~involving mountain lions pursuant to a scientific collector’s permit~~
17 ~~as provided in Section 1002. Authorized mountain lion research~~
18 ~~projects shall be designed to do the following:~~

19 ~~(1) Contribute to knowledge of natural wildlife ecosystems.~~

20 ~~(2) Following best practices, minimize disruptions in the lives~~
21 ~~and movements of mountain lions and other wildlife, as well as~~
22 ~~impacts to the habitat while maintaining the applicant’s objectives.~~

23 ~~(3) Directly or indirectly support the sustainability and survival~~
24 ~~of mountain lion populations and healthy ecosystems.~~

25 ~~(4) Not include the intentional injury or killing of any mountain~~
26 ~~lion.~~

27 ~~(b) An authorized mountain lion research project shall be~~
28 ~~governed by a memorandum of understanding between the~~
29 ~~department and the authorized research entity that addresses the~~
30 ~~following issues:~~

31 ~~(1) Trapping and anesthetizing of the animals, collection of~~
32 ~~diagnostic samples, attaching or surgically implanting monitoring~~
33 ~~or recognition devices or markings, and providing veterinary care~~

1 ~~or euthanasia as required for the health, safety, and humane~~
2 ~~treatment of the animals.~~

3 ~~(2) Qualifications of onsite field supervisors necessary for~~
4 ~~carrying out authorized research procedures.~~

5 ~~(3) Annual and final progress reports. Reports shall be made~~
6 ~~available to the public upon request.~~

7 ~~(e) The department shall notify the public of an authorized~~
8 ~~mountain lion research project at least 30 days prior to its initiation,~~
9 ~~and upon request, shall make available to the public copies of the~~
10 ~~memorandum of understanding pursuant to subdivision (b).~~

11 ~~(d) Authorized mountain lion capture and handling procedures~~
12 ~~shall be consistent with the trapping restrictions imposed in Section~~
13 ~~4809. Any mortality or injury to a mountain lion as a result of~~
14 ~~authorized research shall be handled consistent with the reporting~~
15 ~~and processing requirements imposed in Section 4807.~~

16 ~~(e) Authorization may be revoked at the discretion of either the~~
17 ~~department or the commission.~~

18 *(c) The department may authorize permitholders to pursue,*
19 *capture, temporarily possess, temporarily injure, mark, attach to*
20 *or surgically implant monitoring or recognition devices in, provide*
21 *veterinary care to, and transport, mountain lions, or any part or*
22 *product of a mountain lion.*

23 *(d) Notwithstanding Section 1002, an authorized research*
24 *project shall be designed to do the following:*

25 *(1) Contribute to the knowledge of natural wildlife ecosystems.*

26 *(2) Minimize disruptions in the lives and movements of mountain*
27 *lions and other wildlife, as well as impacts to mountain lion or*
28 *other wildlife habitat, while maintaining the permitholder's*
29 *research objectives.*

30 *(3) Directly or indirectly support the sustainability and survival*
31 *of mountain lion populations and healthy ecosystems.*

32 *(4) Prevent the permanent injury or killing of any mountain*
33 *lion.*

34 *(e) An authorized research project shall be governed by the*
35 *scientific collector's permit. The permit shall include, at a*
36 *minimum, proposed research methods and recordkeeping*
37 *procedures that address the following:*

38 *(1) The capture of, anesthetization of, collection of diagnostic*
39 *samples from, and transport of, mountain lions or parts and*
40 *products thereof, and the attaching to or surgically implanting*

1 *monitoring or recognition devices or markings in, and providing*
2 *veterinary care as required for the health, safety, and humane*
3 *treatment of, animals affected by the research project.*

4 *(2) The recording of the adverse effects of authorized research*
5 *procedures on mountain lions and other wildlife.*

6 *(3) The qualifications of onsite personnel necessary for carrying*
7 *out authorized research procedures. A permit applicant shall*
8 *submit verifiable documentation demonstrating that at least one*
9 *onsite staff person has at least one year of experience in proposed*
10 *research methods that involve activities described in subdivision*
11 *(c).*

12 *(4) Annual and final reports to the department.*

13 *(f) The department shall notify the public at least 30 days prior*
14 *to the issuance of a permit, and, upon request, shall make available*
15 *to the public copies of the permit and annual and final reports.*

16 *(g) The department shall handle any mortality or permanent*
17 *injury to a mountain lion as a result of research authorized*
18 *pursuant to this section in a manner consistent with the reporting*
19 *and processing requirements imposed in Section 4807.*

20 SEC. 2. The Legislature finds and declares that the amendments
21 made by this act are consistent with, and further the purposes of,
22 the California Wildlife Protection Act of 1990.

23 SEC. 3. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or safety within
25 the meaning of Article IV of the Constitution and shall go into
26 immediate effect. The facts constituting the necessity are:

27 In order to allow the continuation of critical ongoing scientific
28 research—~~on~~ *involving* mountain lions, a specially protected
29 mammal, it is necessary that this act take effect immediately.